

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BARRY SCHUMAN,)
vs.)
Plaintiff,) No. 08 cv 1827
vs.) The Honorable Nordberg
LAW OFFICES OF DONALD S. BURAK, ESQ.,) The Honorable Magistrate Cox
LLC.,)
Defendant.)

ANSWER AND AFFIRMATIVE DEFENSE

Defendant, LAW OFFICES OF DONALD S. BURAK, ESQ., LLC, answer Plaintiff's Complaint as follows:

PRELIMINARY STATEMENT

1. This is an action for actual, and statutory damages for violations of the Fair Debt Collection Practices Act (hereafter the 'PDCPA'), 15 U.S.C. § 1692 et seq.

ANSWER: Paragraph 1 does not contain allegations to which an answer is required. To the extent that an answer is required, Defendant denies the allegations contained in Paragraph 1 of the complaint.

JURISDICTION AND VENUE

2. Jurisdiction arises under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq.

ANSWER: Defendant admits the allegations contained in Paragraph 2 of Plaintiff's complaint.

PARTIES

3. Plaintiff, Barry Schuman, ('Plaintiff'), is an individual who was at all relevant times residing in the City of Chicago, State of Illinois.

ANSWER: Upon information and belief, Defendant admits the allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. At all relevant times herein, Defendant, Law Offices of Donald S. Burak, Esq., LLC, ("Defendant") acted as a debt collector within the meaning of 15 U.S.C. § 1692a(6) in that it held itself out to be a company collecting a debt allegedly owed to Bank of America, NA.

ANSWER: Defendant admits the allegations contained in Paragraph 5 of Plaintiff's Complaint.

5. Defendant is a corporation that has its principal place of business and its offices located in the State of Pennsylvania.

ANSWER: Defendant admits the allegations contained in Paragraph 5 of Plaintiff's Complaint.

ALLEGATIONS
COUNT I

VIOLATIONS OF THE FDCPA v. LAW OFFICES OF DONALD S. BURAK, ESQ., LLC

6. In November of 2007, Plaintiff began receiving telephone calls from a representative of Defendant attempting to collect a debt allegedly owed to Bank of America, NA.

ANSWER: Defendant admits the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Defendant initially began contacting Plaintiff both at work and on his cell phone about every ten minutes.

ANSWER: Defendant denies the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. When Defendant contacted Plaintiff at his place of business it spoke with a salesman and identified himself as "calling from Cook County" and stated it was urgent that Plaintiff return the call. Defendant also spoke with the Human Resources Department.

ANSWER: Defendant denies the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. On December 27, 2008, Plaintiff received six telephone calls from Defendant in a period of ten minutes.

ANSWER: Defendant denies the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Plaintiff demanded that Defendant stop contacting him at his place of employment however Defendant responded that it would call as often as it liked.

ANSWER: Defendant denies the allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. In January of 2008, Plaintiff received a debt collection letter from Defendant dated December 28, 2007, regarding the alleged debt. The letter stated that Plaintiff owed a \$0.00 balance however the letter stated that it was a demand for full payment.

ANSWER: Defendant denies the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. In its attempts to collect the aforementioned debt, the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 in one or more of the following ways:

a. Caused a telephone to ring or engaged any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, harass any person at the called number in violation of 15 U.S.C. § 1692d(5); and

b. Used any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer in violation of 15 U.S.C. § 1692e(10); and

ANSWER: Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. As a result of Defendant's violations as aforesaid, Plaintiff suffered and continues to suffer personal humiliation, embarrassment, mental, anguish and emotional distress.

ANSWER: Defendant denies the allegations contained in Paragraph 12 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSE

1. This Court lacks personal jurisdiction over this Defendant.

WHEREFORE, Defendant LAW OFFICES OF DONALD S. BURAK, ESQ., LLC, requests that Plaintiff's Complaint be dismissed, that Plaintiff take nothing by way of his Complaint and that Defendant be awarded costs and attorneys' fees, together with any other relief that this Court deem just and proper.

Respectfully submitted,

By: /s/ Anastasios T. Foukas
One of the Attorneys for Defendant

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